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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,604	01/16/2001	David Edward Caldwell	CO2-2	5820

40621 7590 02/02/2006

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EXAMINER
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KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
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2163

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/761,604

Applicant(s)

CALDWELL ET AL.

Examiner

Alford W. Kindred

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3, 5-11, and 13-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5-11, and 13-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communication: Reconsideration, filed on 11/16/05.  
This action is made final.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tavor, US# 2001/0032077 A1, in view of Mikurak, US# 2004/0064351 A1.

As per claims 1, 3 and 13-14, Tavor teaches "developing feature text snippets for each feature, the snippets being phrases to be used when describing . . . product features" (see abstract) "developing user profile text snippets . . . generic phrases . . ." (see page 4, paragraph [0049]-[0052]). Tavor does not teach "dynamically generated fluent text that is used to convey product analyses . . . user profile text snippets produces personalized recommendation for the product featuring dynamically generated fluent text . . . analysis and recommendation tailored to the user requirements and preferences." Mikurak et al. teaches "dynamically generated fluent text that is used to convey product analyses . . . user profile text snippets produces personalized recommendation for the product featuring dynamically generated fluent text . . . analysis

and recommendation tailored to the user requirements and preferences” (see paragraphs [0883]-[0885], [1259], [2471] and [2531]-[2533]). It would have been obvious at the time of the invention for one of ordinary skill in the art to have combined the teachings of Tavor and Mikurak above, because using the steps of “dynamically generated fluent text that is used to convey product analyses . . . user profile text snippets produces personalized recommendation for the product featuring dynamically generated fluent text . . . analysis and recommendation tailored to the user requirements and preferences”, would have given those skilled in the art the tools to the tools to address the comparison of products base on a user’s preference. This give users the advantage of receiving relevant product data based the individual’s profile in a user-friendly manner.

As per claims 5, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Tavor teaches “testing the user profile text snippets” (see 99page 5, paragraphs [0057]-[0059]).

As per claim 6, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Tavor teaches “providing access to the product recommendation . . .” (see page 4, paragraph [0058]-[0059]).

As per claim 7, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Tavor teaches "a computer network . . ." (see abstract).

As per claims 8-11, these claims are rejected on grounds corresponding to arguments given above for rejected claims 1-7 and are similarly rejected including the following:

--Tavor teaches "display and explanation of a comparison between several products" (see page 4, paragraphs [0050]-[0051]).

### ***Response to Arguments***

4. Applicant's arguments, in respect to claims 1, 3, 5-11 and 13-14 have been considered but are not persuasive in view of the original ground(s) of rejection.

--As per applicant's arguments regarding "Although Tavor's generated descriptions phrases . . . it does not take the user's preferences or requirements into account . . . does not generate any text related to user profiles . . .", examiner disagrees and maintains that Tavor's comparison of products and offering a recommendation includes that recommendation been based on a target element and therefore reads on applicant's claim language of recommending products based on a profile element.

--As per applicant's arguments regarding "Tavor (Paragraph [49]-[52] as supporting his contention that Tavor teaches feature text snippets and user profile text snippets, do not describe or suggest the development, use or existence of user profile text snippets, as well as dynamically generated fluent text that is used to convey the results of product analyses . . .", examiner refers applicant to Tavor's teachings of natural language (i.e. descriptions and phrases), clearly is synonymous to applicant's

fluent text element. Further, Tavor's product analyses using descriptions and phrases and offering a recommendation is equivalent to applicant's teachings of suggesting products based on a profile element.

--As per applicant's arguments regarding "nowhere in Tavor's method are user profiles, user preferences or requirements mentioned or used . . .", examiner maintains that Tavor's teachings involving the comparing of products and rendering a recommendation, is based on a target element. Further, Tavor's recommendation is based on an initial trigger of interest and then a comparison is made of specific products and thus, reads on applicant's claim language.

--As per applicant's arguments regarding "Nowhere does the Mikurak reference describe what could be construed as a personalized recommendation featuring **dynamically** fluent text . . .", examiner maintains that Tavor's teaching of comparing rendering of product recommendation is phrases combined with Mikurak teachings of rendering product recommendations based on profile information in terms of various text phrases (i.e. fluent text) reads on applicant claim language above.

***Conclusion***

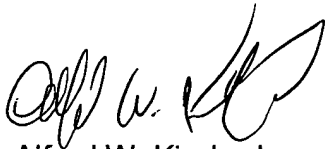
**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', with a stylized flourish at the end.

Alford W. Kindred  
Patent Examiner  
Tech Ctr. 2100